

### REMARKS

Applicant hereby adds new claims 44-45 which mirror claims 36 and 42 except for dependency. Accordingly, claims 34-45 are pending in the present application.

Claims 34, 36, 38-41, and 43 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,247,084 to Apostol, Jr. et al. Claim 35 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Apostol, Jr. et al., in view of U.S. Patent No. 5,815,167 to Muthal et al. Claims 37 and 42 stand rejected under 35 U.S.C. '103(a) as being unpatentable over Apostol, Jr. et al., in view of U.S. Patent No. 5,544,306 to Deering et al. Claims 34-43 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 34-43 of the co-pending Application No. 10/201,492.

Referring to the rejections over Apostol, Applicant notes the priority date of the present application is September 9, 1997. In particular, this application is a continuation of serial no. 09/541,413 which is a continuation of serial no. 08/926,66 filed on September 9, 1997. Applicant submits a copy of the filing receipt herewith indicating the priority status of the present application. Applicant discussed this issue with the Examiner in a telephone interview wherein it was indicated that the rejections over Apostol would be withdrawn following the submission of this response. Accordingly, Applicant respectfully requests withdrawal of the rejections over Apostol.

Referring to the obviousness-type double patenting rejection, Applicant has abandoned serial no. 10/201,492 in view of the prosecution of this application. Accordingly, the obviousness-type doubling patenting rejection is moot and Applicant requests withdrawal of the rejection.

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Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 7/3/03

By: 

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